

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUEBEN NATHANIEL
McDOWELL,

Defendant.

CR-01-124-GF-BMM

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
MAGISTRATE JUDGE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 2, 2015. (Doc. 81). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

McDowell admitted to having violated Standard Condition 3 by failing to follow the instructions of the probation officer. McDowell also admitted to violating Standard Condition 6 by failing to notify his probation officer at least ten days prior to any change in employment.

McDowell's admissions constitute a Grade C violation. McDowell's criminal history category is VI and McDowell's underlying offense is a Class A felony. The statutory range is a maximum of 28 months in custody followed by a term of supervised release up to 28 months, less any custody time imposed. The guideline range is 8 to 14 months in custody, followed by a term of supervised release up to 28 months, less any custody time imposed.

Judge Johnston found that McDowell violated Standard Condition 3 and Standard Condition 6. Judge Johnston recommends that McDowell be incarcerated for fourteen months, with no supervised release to follow.

This Court finds no clear error in Judge Johnston's Findings and Recommendations and adopts them in full. Incarceration for fourteen months followed by no supervised release is an appropriate disposition of this case in light of McDowell's violations.

IT IS HEREBY ORDERED:

1. Judge Johnston's Findings and Recommendations (Doc. 81) is ADOPTED IN FULL and Judgment shall be entered accordingly.

DATED this 20th day of April, 2015.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. The signature is positioned above a horizontal line.

Brian Morris
United States District Court Judge